

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MICHAEL DAVID CREED,

Petitioner,

vs.

LARRY TAYLOR,

Respondent.

NO. CV-07-5041-LRS

ORDER DISMISSING PETITION

By Order filed August 20, 2007, the court advised Petitioner of the deficiencies of his Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254. The court directed Mr. Creed to amend within sixty (60) days to demonstrate he has exhausted his claims through the state court system. *See Rose v. Lundy*, 455 U.S. 509, 518-20 (1982).

Petitioner, a *pro se* prisoner at the Benton County Jail, is proceeding *in forma pauperis*. He has not complied with this court's directive to amend. Consequently, for the reasons set forth above and in the court's previous Order, **IT IS ORDERED** the Petition is **DISMISSED without prejudice** for failure to exhaust state court remedies.

///

///

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, enter judgment, forward a copy to Petitioner at his last known address and close the file.

DATED this 25th day of October, 2007.

s/Lonny R. Suko

LONNY R. SUKO
UNITED STATES DISTRICT JUDGE